

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

RICHARD COOK,	:	Case No. 1:22-cv-140
	:	
Petitioner,	:	Judge Matthew W. McFarland
	:	Magistrate Judge Michael R. Merz
v.	:	
	:	
WARDEN, London Correctional	:	
Institution,	:	
	:	
Respondent.	:	

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**ORDER OVERRULING OBJECTIONS, ADOPTING REPORT AND  
RECOMMENDATIONS (Doc. 16), and TERMINATING CASE**

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This action is before the Court on Magistrate Judge Michael R. Merz's Report and Recommendations (Doc. 16). This matter was referred to Magistrate Judge Merz pursuant to 28 U.S.C. § 636(b).

Magistrate Judge Merz recommends dismissing the petition with prejudice as barred by the statute of limitations. Petitioner objects but is unable to show that Magistrate Judge Merz's application of the statute of limitations is erroneous. As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a de novo review of the record in this case. Upon such review, the Court finds that Petitioner's objections fail to identify any error and are accordingly **OVERRULED**.

Thus, the Court **ORDERS** as follows:

- (1) The Court **ADOPTS** the Report and Recommendations (Doc. 16) in its entirety.
- (2) The habeas petition is **DISMISSED WITH PREJUDICE** for the reasons stated

in the Report.

- (3) Petitioner is **DENIED** a certificate of appealability, because “jurists of reason” would not disagree with this conclusion. *Slack v. McDaniel*, 529 U.S. 473, 484–85 (2000).
- (4) The Court **CERTIFIES** pursuant to 28 U.S.C. § 1915(a) that, for the reasons expressed in the Report, an appeal of this Order adopting the Report would be objectively frivolous, and therefore **DENIES** plaintiff leave to appeal *in forma pauperis*. See *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997), *overruled on other grounds*, *Jones v. Bock*, 549 U.S. 199, 203 (2007).
- (5) This matter is **TERMINATED** from the Court’s docket.

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By:   
JUDGE MATTHEW W. McFARLAND